

## **IC 13-20-2**

### **Chapter 2. Permits for Solid Waste Landfills**

#### **IC 13-20-2-1**

##### **Financial statement**

Sec. 1. Before an original permit for the construction or operation of a landfill may be granted, the applicant must submit a statement of financial position that meets the following requirements:

- (1) The statement must have been prepared in accordance with generally accepted accounting principles.
- (2) The statement must have been audited by an independent certified public accountant.
- (3) The accountant referred to in subdivision (2) must have issued an unqualified opinion as to the statement.
- (4) The statement must indicate that, at the end of the calendar year or fiscal year immediately preceding the year in which the permit would be issued, the applicant had a positive net worth of at least two hundred fifty thousand dollars (\$250,000).

*As added by P.L.1-1996, SEC.10.*

#### **IC 13-20-2-2**

##### **State of outstanding judgments**

Sec. 2. Before an original permit for the construction or operation of a landfill may be granted, the applicant or a person authorized to act for the applicant under this section must submit a statement in which the applicant or authorized person swears or affirms, subject to the penalty for perjury set forth in IC 35-44-2-1, that, to the best of the applicant's or authorized person's knowledge, there are no unsatisfied and nonappealable judgments requiring the payment of money by the applicant.

*As added by P.L.1-1996, SEC.10.*

#### **IC 13-20-2-3**

##### **Financial statement by parent satisfactory for subsidiary in certain instances**

Sec. 3. If the applicant is a subsidiary corporation, the submission of the statement of financial position of the ultimate parent satisfies the requirement under section 1 of this chapter if the applicant has been a subsidiary of the parent for at least one (1) year before the submission of the statement of financial position.

*As added by P.L.1-1996, SEC.10.*

#### **IC 13-20-2-4**

##### **Investigation and verification by department**

Sec. 4. The department may investigate and verify the information contained in the statements required by this chapter.

*As added by P.L.1-1996, SEC.10.*

#### **IC 13-20-2-5**

##### **Denial of permit**

Sec. 5. The commissioner may deny an application for an original permit for the construction or operation of a landfill if the commissioner finds that:

- (1) the applicant does not have a positive net worth of at least two hundred fifty thousand dollars (\$250,000); or
- (2) there is at least one (1) unsatisfied and nonappealable judgment requiring the payment of money by the applicant.

*As added by P.L.1-1996, SEC.10.*

#### **IC 13-20-2-6**

##### **Valuation of real property**

Sec. 6. For the purposes of this chapter, real property in which the applicant has an interest must be valued at the property's fair market value as determined under the assumption that the permit application will not be granted.

*As added by P.L.1-1996, SEC.10.*

#### **IC 13-20-2-7**

##### **Rules**

Sec. 7. The solid waste management board may adopt rules under IC 4-22-2 to administer this chapter.

*As added by P.L.1-1996, SEC.10.*

#### **IC 13-20-2-8**

##### **Notice of legal action**

Sec. 8. If a legal action is filed that:

- (1) names the department or a representative of the department as a party to the action; and
- (2) concerns an application that has been filed with the department to obtain an original permit or a permit renewal for a solid waste landfill;

the department shall notify the county executive of the county in which the solid waste landfill is or would be located that the legal action has been filed.

*As added by P.L.1-1996, SEC.10.*